

**Introduced by Senator Florez**

February 21, 2003

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An act to amend Section 243.8 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1019, as introduced, Florez. Battery: sports official: punishment.

Existing law provides that when a battery is committed against a sports official immediately prior to, during, or immediately following any organized amateur or professional athletic contest in which the sports official is participating, and the person who commits the offense knows or reasonably should know that the victim is engaged in the performance of his or her duties, the offender is guilty of a misdemeanor and shall be punished by a fine not exceeding \$2,000, by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

This bill would instead provide that the offender is guilty of a misdemeanor or a felony and shall be punished by a fine not exceeding \$5,000, by imprisonment in a county jail not exceeding one year or imprisonment in the state prison for 16 months, or 2 or 3 years, or by both that fine and imprisonment. Because additional local costs associated with felony offenses may now be incurred in the prosecution of this offense, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 243.8 of the Penal Code is amended to  
2 read:

3 243.8. (a) When a battery is committed against a sports  
4 official immediately prior to, during, or immediately following an  
5 interscholastic, intercollegiate, or any other organized amateur or  
6 professional athletic contest in which the sports official is  
7 participating, and the person who commits the offense knows or  
8 reasonably should know that the victim is engaged in the  
9 performance of his or her duties, the offense shall be punishable  
10 by a fine not exceeding ~~two thousand dollars (\$2,000)~~ *five*  
11 *thousand dollars (\$5,000)*, or by imprisonment in the county jail  
12 not exceeding one year *or in the state prison for 16 months, or two*  
13 *or three years*, or by both that fine and imprisonment.

14 (b) For purposes of this section, “sports official” means any  
15 individual who serves as a referee, umpire, linesman, or who  
16 serves in a similar capacity but may be known by a different title  
17 or name and is duly registered by, or a member of, a local, state,  
18 regional, or national organization engaged in part in providing  
19 education and training to sports officials.

20 SEC. 2. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 the only costs that may be incurred by a local agency or school  
23 district will be incurred because this act creates a new crime or  
24 infraction, eliminates a crime or infraction, or changes the penalty  
25 for a crime or infraction, within the meaning of Section 17556 of  
26 the Government Code, or changes the definition of a crime within  
27 the meaning of Section 6 of Article XIII B of the California  
28 Constitution.

